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International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Fifteenth periodic reports of States parties due in 1997

Addendum

Uruguay*

[13 July 1998]

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* This document contains the twelfth, thirteenth, fourteenth and fifteenth periodic reports, due on 4 January 1992, 1994, 1996 and 1998 respectively (consolidated document). For the eighth, ninth, tenth and eleventh periodic reports of Uruguay and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/197/Add.3 and CERD/C/SR.896-897.

The annexes submitted by Uruguay may be consulted in the Secretariat's files.

The information submitted by Uruguay in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.9/Rev.1.

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I. GENERAL

1. Uruguay is appearing before the Committee on the Elimination of Racial Discrimination, to which it has submitted in a consolidated document its twelfth, thirteenth and fourteenth periodic reports in fulfilment of the treaty obligations assumed through the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.

2. On the occasion of the submission of the last report, several experts on the Committee indicated that it would be desirable to be provided with official statistics on the racial make-up of the country.

3. In strict compliance with the observations made at that time, Uruguay decided to conduct, through the National Institute of Statistics, the statistical survey requested. The implementation of this decision was to prove a complex process, since there existed a rooted belief that the collection of data on racial composition constituted in itself a form of discrimination. The difficulties this caused were part of the reason for Uruguay's not submitting the periodic reports due in the manner and within the time limit prescribed.

4. The first contacts with the National Institute of Statistics were made in 1995 by the Ministry of Foreign Affairs. Cooperation in initiating the project was also provided by non-governmental organizations of black people such as "Mundo Afro", which began to call for the implementation in Uruguay of a racial study to determine quantitatively and qualitatively the situation of the black race in the country.

5. Following a detailed analysis and decisions based on technical criteria, the National Institute of Statistics designed a "race module" for inclusion in the Continuing Surveys of Households.

6. The purpose of the Continuing Surveys of Households is to collect information on the living conditions of the population covering, for example: level of education, occupational profiles, health care, migration, incomes and housing characteristics. The sample for the country's urban areas as a whole consists of two independent samples, one for the Department of Montevideo and the other for the rest of the country's urban areas.

7. Some definitions of the variables used in the study designs will be helpful to the Committee in understanding the statistical information we are including in this report. Thus, for example, the notion of economically active population comprises all persons aged 14 years or over who have at least one job or, if they have none, are actively seeking one during the reference period chosen for the survey. This group includes the civilian workforce and the personnel of the armed forces.

8. By employed persons we mean those persons who were working during the reference period of the survey, or were not working for temporary reasons (e.g. holidays, sickness or industrial dispute) but had employment. This includes household workers receiving no remuneration. By unemployed person we mean all persons aged 14 years or more who during the reference period were not working, but were looking for remunerated or gainful work. This last

category includes persons who had worked before but lost their jobs (unemployed in the strict sense), those receiving unemployment benefit (from social security), and first-job seekers.

9. The statistical information we shall provide is the end product of studies conducted during the 1996 and 1997 circuits for the Continuing Survey of Households over a period totalling 24 months. The analysis carried out does not exploit to the full the wealth of information contained in the original data, but nevertheless gives some idea of the living conditions of the country's various racial components.

10. The sample comprised more than 40,000 households, representing a total population of about 130,000 persons.

11. The "race module" was constructed on the basis of the explicit declarations of those interviewed as to the race to which they thought they belonged. For a total of 868,600 households accounting for 2,790,600 persons living in the urban areas represented in the survey it has been estimated that there are 2,602,200 individuals of the white race.

12. The rest of the population have been assigned, having regard to the numbers determined, to the following basic racial groups:

Black race: black in the strict sense

Black-white race

Black-indigenous race

Oriental race: oriental in the strict sense

Oriental and other non-black race

Indigenous race: indigenous in the strict sense

Indigenous - white race.

13. The estimated totals according to the racial groupings specified above give the following results for the racial composition of the Eastern Republic of Uruguay: 164,200 white, 12,199 indigenous, and 12,000 oriental. This represents the following percentages by race: 93.2 per cent white, 5.9 per cent black, 0.4 per cent indigenous and 0.4 per cent oriental.

14. Note that the number of individuals of indigenous and oriental race was insufficient for detailed analysis of many of the variables processed for comparative purposes, such as occupation and income.

15. Finally, and by way of introduction, it should be noted that the breakdown by age groups shows a high proportion of children and adolescents in the black race compared with the white. Again, among black females there is a smaller relative proportion of children and adolescents but a larger proportion of adults compared with males of the black race.

16. After "matching" 1/ of data from the module with the corresponding data from individuals in the Continuing Survey of Households, and the necessary consolidation of the replies to the questionnaires, the following global estimates were obtained for the urban areas of the country covered by the sample.

Race	Estimated number of persons (thousands)	Percentage
Total	2 790.6 +/- 31.8	100.0
Oriental	10.1 +/- 1.7	0.4
White	2 602.2 +/- 30.4	93.2
Indigenous	6.9 +/- 1.3	0.2
Black	26.3 +/- 3.1	0.9
Black-white	136.1 +/- 7.5	4.9
Indigenous-white	5.2 +/- 1.3	0.2
Black and other non-white	1.8 +/- 0.6	0.1
Oriental and other non-white	1.9 +/- 0.9	0.1

17. Owing to the fact that the precision of the estimates in cross-tabulations with other variables (for example race crossed with age-group) is reduced when the breakdown is more detailed, it was decided for the purpose of this sample to assign race to only four groupings: oriental, oriental and other non-black, white, indigenous (indigenous plus indigenous-white) and black (combining the remaining three groupings in which the black race is at least one of the components). With this breakdown, the estimate of the number of individuals is confirmed as 0.4 per cent for the oriental race, 0.4 per cent for the indigenous race, and 5.9 per cent for the black race.

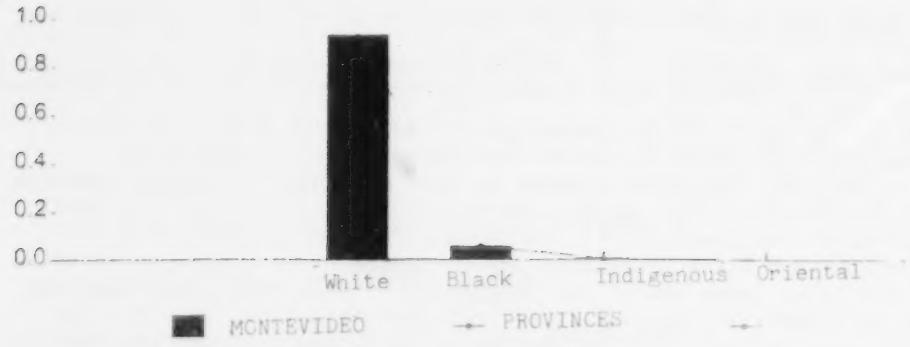
Spatial distribution of races by area

18. The distribution by area shows great similarities in terms of the presence of racial groupings. This finding enables us to demonstrate, through statistical measurement, that in Uruguay there are absolutely no limitations of any kind on free choice of permanent or temporary residence for any race in any part of the national territory.

19. The following table shows the distribution of the population by race and area.

Area	Individuals by race				
	Total	White	Black	Indigenous	Oriental
Total (thousands)	2 790.6	2 602.2	164.2	12.1	12
Percentage	100%	93.20%	5.90%	0.40%	0.40%
Montevideo	1 337.1	1 248.7	78	5.2	5.2
Percentage	100%	93.40%	5.80%	0.40%	0.40%
Provincial urban	1 453.5	1 353.5	86.3	6.9	6.8
Percentage	100%	83.10%	5.90%	0.50%	0.50%

RACE DISTRIBUTION IN URBAN AREAS



20. Such are the main characteristics that can be reported regarding the population size and spatial distribution of the races. The relevant part of the report will present a synthesis of the information disaggregated by variable, that has been obtained.

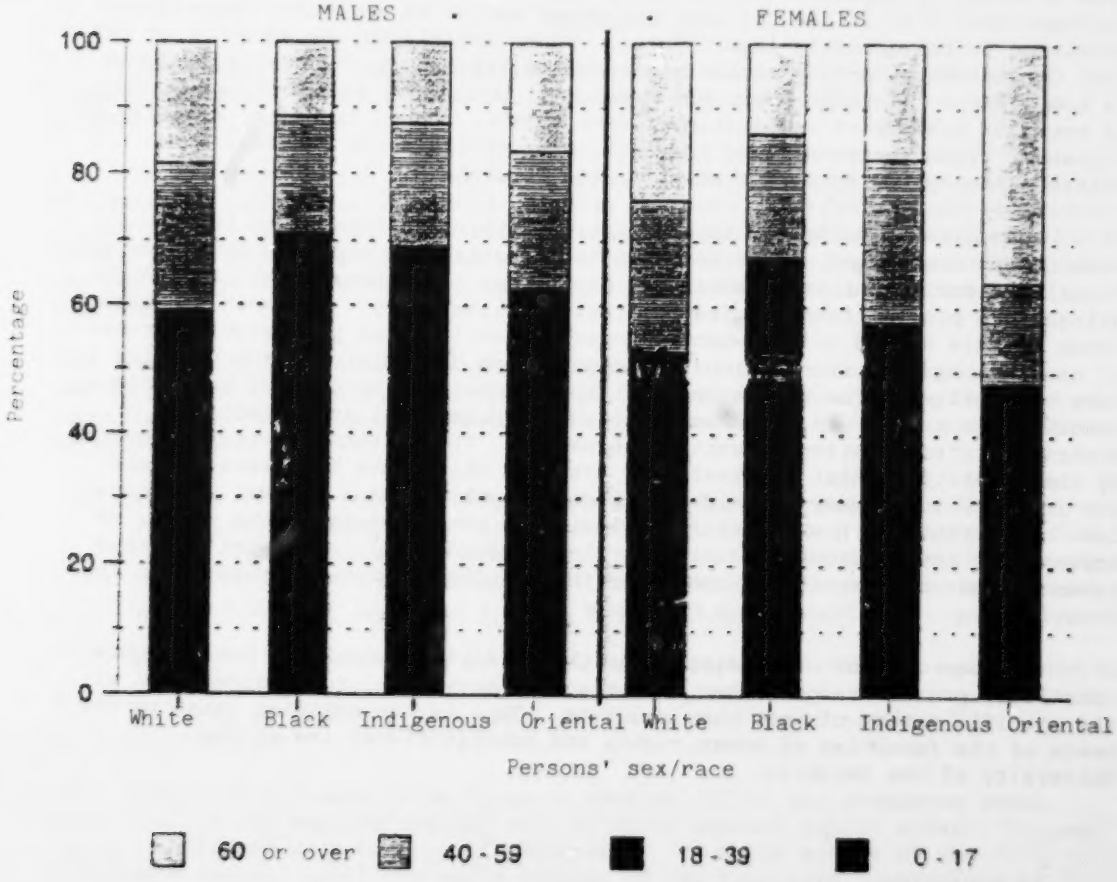
Racial distribution by age group

21. The age brackets had to be established by putting together five-year groups until the number of groups and the populations they comprised were sufficient for reasonably precise estimations. The estimate is not reliable in the case of the oriental race, where the total is too small to allow for a breakdown not subject to reservations. The same applies to the indigenous race, except for th- youngest age group.

22. The two races that exhibited masculinity ratios significantly higher than the average show a marked predominance of males in the youngest age groups, with indices above 100.

Masculinity ratio by area and race							
Age group		Montevideo			Provincial urban		
	Total	White	Black	Total	White	Black	Indigenous
0 to 17	86	86	95	90	90	98	104
18-39	106	105	113	101	100	102	147
40-59	93	94	93	96	95	99	
40-59	81	81	84	88	87	97	
60 and over	64	64	67	73	72	89	

Percentage distribution by sex and race



Constitutional protection of human rights

23. The protection of human rights in Uruguay enjoys constitutional status. The declaratory part of the current Constitution contains a special section devoted to the duties and rights of human individuals and the guarantees afforded them. The enumeration of rights contained in that section includes civil and political and also economic, social and cultural rights.

24. Article 7 of the Constitution provides that all the inhabitants of the Eastern Republic of Uruguay, irrespective of their status, have a right to be protected by the State in the enjoyment of life, honour, liberty, security, work and property. Article 8 establishes the principle of equality of all individuals under the law and precludes differences of treatment based on any kind of discrimination.

Application of international law at the domestic level

25. The national Constitution currently in force provides that treaties subscribed to by the State through its agents must be submitted to parliament for approval. Legislative approval is accorded through a legal enactment. From a formal standpoint, the law approving a treaty is considered as an ordinary law, i.e. it has the same statutory status as any other legislative provision in the domestic legal system. Under article 83, paragraph 7 of the 1967 Constitution, as subsequently amended in 1992 and 1996, the legislature is competent: "To declare war and approve or reject, by an absolute majority of votes of the entire membership of each chamber, peace treaties, treaties of alliance, trade agreements and conventions or contracts of whatever kind entered into by the Executive with foreign Powers".

26. According to doctrinal interpretation within the country it is nonetheless considered that acts approving treaties are ordinary laws from the formal standpoint but are substantive provisions of international law, which brings into play different rules for their applicability. The most disputed issue in this regard arises when it comes to settling the prescriptive status of national against international enactments and determining which prevails in case of conflict. The Uruguayan Constitution contains no express provision to resolve this issue. In the absence of such a directive, it is left to doctrinal interpretation to settle the matter. The national doctrine accepted by the majority is that international treaties which have been ratified and are in force in Uruguay have identical prescriptive status to that of ordinary law. The premises on which this conclusion is based relate to the manner of approval of international treaties at the domestic level. The position thus taken is that the provisions contained in treaties have lower status than the Constitution.

27. Another current of opinion holds that treaties concerning human rights constitute provisions of higher rank than ordinary laws, in consideration of the specific nature of what they regulate. This is the position taken by the heads of the faculties of human rights and constitutional law at the University of the Republic.

28. It is worth noting that, irrespective of what position is taken on these matters, international provisions duly ratified by the legislature and promulgated by the executive can be invoked by all interested parties whether in the judicial or in the administrative sphere.

29. The Uruguayan judiciary is making ever more frequent use of international human rights law for settling cases and ensuring justice. In the annexes 2/ we cite legal cases illustrating the direct application of international legal provisions at the domestic level.

Method of preparation of the report

30. The report was prepared by the Human Rights Department of the Ministry of Foreign Affairs. Cooperation in its drafting was provided by State bodies, in particular the National Institute of Statistics, and in the non-governmental area by the Comité Central Israelita del Uruguay and leading members of black non-governmental organizations.

II. SPECIFIC INFORMATION

A. Article 2

31. The legislative, administrative and other measures adopted by the Uruguayan State are fully in accord with the obligations set out in article 2 of the Convention.

32. In the legislative sphere there exist specific legal provisions that designate as particularly heinous offences all acts directed against the lives or rights of individuals which are motivated by racial hatred. The inclusion in the Penal Code of a provision to this effect has sent a clear message from the social control system to those responsible for discriminatory acts or practices.

33. As was maintained in the previous periodic report submitted by Uruguay, the inclusion of article 149 in the Penal Code puts Uruguay in the vanguard of countries that have enacted legislation to combat racial discrimination. This article states:

> 149 bis "Whoso publicly or through any medium suitable for public dissemination incites to hatred, derogatory behaviour, or any other form of moral or physical violence against one or more persons on the grounds of the colour of their skin, their race, religion or national or ethnic origin shall be liable to 6 to 18 months' imprisonment."
>
> 149 ter. "Whoso commits acts of moral or physical violence against one or more persons by reason of their skin colour, race, religion or national or ethnic origin shall be liable to 6 to 18 months' imprisonment."

34. These articles are to be found in section III of the Uruguayan Penal Code, i.e. in the section dealing with offences against public order. Uruguay can be considered as a country of immigrants. From the middle of the nineteenth century until the early decades of the twentieth, immigrants of

Spanish, Italian, French and many other nationalities formed the basis for the present population of Uruguay. When we take into account the way in which the population has been built up we realize the importance of safeguarding public order by establishing a category of offence involving incitement to hatred on racial, religious or other grounds. The provisions of these articles are reinforced by those contained in chapter V penalizing offences against freedom of worship and religious sentiment, namely article 304, on affront to religion by obstructing or disturbing the holding of services, article 305 on affront to religion by insulting behaviour towards places or objects used for worship, article 306 on affront to religion by publicly insulting the persons professing it or its ministers, article 307 on derogatory treatment of corpses or their ashes, article 308 on derogatory treatment of graves, urns and objects used in paying respects to the dead, and article 309 on illicit removal of corpses or human remains without derogatory intent.

35. One important point to be emphasized is that, over and above the safeguards afforded by the penal laws, the Uruguayan Constitution establishes, as already indicated in earlier paragraphs, a system of overall protection, establishing first of all, in its article 5, freedom of religion ("All religions may be freely practised in Uruguay"). That same article, while indeed proclaiming the separation between the Catholic Church and the State, establishes what legal doctrine has termed benevolent separation in that it also establishes exoneration from any kind of tax for buildings dedicated to the practice of the various religions.

36. Further, article 8 of the Constitution declares: "All persons are equal before the law: no distinction is recognized between them except in respect of talents or virtues." In establishing equality between persons, what article 8 does in the first place is to confirm their equality in respect of human dignity, i.e. the equality of all human beings in regard to worth. In the second place it states that for every category of situation, or for those who happen to be placed in similar situations, the treatment accorded by the law will be the same.

37. This article is complemented by article 7 of the Constitution, which proclaims the rights to life, honour, liberty, security, work and property.

38. Finally article 72, by its open wording, gives scope for the protection of new rights that have not been expressly proclaimed, thus enabling the Constitution to be adapted to new developments in the human rights field: "The enumeration of rights, duties and guarantees contained in the Constitution does not exclude others that are inherent in the human personality or derive from the republican form of government." This article, like others such as the seventh, gives our Constitution a markedly "natural law" tone, as opposed to a positivist type of approach. They do not confer rights, but recognize them as pre-existent, as peculiar to man. Rights are not established, but provision is made for their protection. Among those rights is, of course, the right not to be subjected to any kind of racial discrimination.

39. Article 72 has to be considered in conjunction with article 332, which proclaims the applicability of those articles that confer rights upon individuals even should the necessary regulations not exist, i.e. even should

the rule require a second degree rule for its implementation. To that end, article 332 provides for resort to the basic content of similar laws, to general legal principles and to generally accepted doctrines.

40. It must also be pointed out that in such cases the way lies open to compensation for any harm, including psychological damage, through the appropriate procedure, generally in the domain of civil law, though it may affect other areas which will take us into the domain of labour law, commercial law, etc.

41. Currently the Comité Central Israelita (the second-level organization that acts as focal point for all the Jewish organizations in Uruguay) has filed a suit and is conducting proceedings against a small organization that engaged in hostile activities against the Jewish community. However, such acts are only very sporadic and reflect the motivations of individuals or very small groups. The measures taken in such cases by the authorities, on their side, are fully in accord with their obligations to ensure respect and provide guarantees for human rights.

42. In other contexts, it is a telling fact that, faced with isolated incidents in which racial prejudices are manifested and discriminatory acts committed, Uruguayan society reacts immediately. A case in point is that of two private firms which have adopted measures applicable to employees and partners in order to cope with a pattern of racist practices.

43. In a publication of the non-governmental organization "Mundo Afro", 3/ Dr. Alicia Esquivel, a Black, describes how she staged a protest in front of a private sporting club against the discriminatory treatment by an adult of her juvenile son, also black. In the event, as the interviewee herself states, the sporting club decided that the member should be expelled for these discriminatory acts. Again, in 1995 the same non-governmental organization appeared before the Human Rights Committee of the Chamber of Representatives. The purpose of the hearing was to report a discriminatory act committed against a person of black race on a public passenger transport route. In response to this action, the private company issued a public statement repudiating racism and identified and punished the employees who had used insulting language towards the black person.

44. All these responses evoked from private companies show the high level of commitment of Uruguayan society on the question of racism.

Legal mechanisms for human rights protection

45. The two principal judicial mechanisms for human rights protection provided for in Uruguayan legislation are habeas corpus and amparo.

46. Habeas corpus was given express constitutional sanction in article 17, which provides that: "In the event of wrongful detention, the person concerned or any other person may apply to the competent judge for the remedy of habeas corpus to require the arresting authority to explain and substantiate without delay the legal grounds for the arrest and that authority

shall comply with the judge's decision." Under the Constitution, habeas corpus is applicable essentially in case of unlawful or arbitrary arrest.

47. Amparo is another remedy deeply rooted in the national justice system since colonial times, though the early Constitutions did not contain a specific article to regulate it, contrary to what happened with habeas corpus. Regulations to govern amparo were finally established by Act No. 16.011 of 19 December 1988.

Applicability of habeas corpus: recent procedural developments

48. During 1997 the Uruguayan State adopted a new Code of Criminal Procedure, which came into force from July 1998. The new Code devotes a specific chapter to regulations governing habeas corpus proceedings.

49. Habeas corpus is defined as an action for protection of personal freedom of movement against any arbitrary act by any administrative authority that suspends, restricts, limits or threatens it, as also for the protection of a person deprived of liberty against torture and other treatment or conditions of detention that offend against human dignity. 4/ With the adoption of this definition of habeas corpus, Uruguay subscribes to the most up-to-date theories which consider due process as a guarantee not only of freedom but also of life against the threat of enforced disappearance and of physical integrity against that of torture.

50. The procedural provisions adopted confirm the validity of habeas corpus even under a state of exception or emergency, by application of immediate security measures such as are covered by regulatory provisions in the Constitution. In such cases, the action is restricted to verification that the formal constitutional requirements have been strictly complied with; approval or transmittal to the General Assembly or Standing Committee, as applicable; monitoring of treatment and of place and conditions of detention; and transfer or confirmation of the option of leaving the country where applicable.

51. The active procedural right to initiate the action lies with the person directly concerned, the Attorney-General's Office (Procurator), or any other person and ex officio initiation is also admissible if the case comes to the judge's knowledge through another source. Jurisdiction in the case lies with professional criminal judges possessing competence by reason of the place where the acts complained of are alleged to have occurred. In case of allegation of torture under lawful detention, the competent judge shall be the one trying the main case. In the case of minors, jurisdiction shall lie with the specialized juvenile courts.

52. The proceedings are simple and expeditious, with short waiting times and verdicts delivered during the hearing. The application may be formulated without professional legal assistance, in writing or orally before the court, and a procedural document is issued. This must contain a concise account of the main facts, indicating the place of detention and the official responsible if his identity is known. On receipt of the application, the judge must immediately give orders for the arresting authority, or the authority alleged

to be responsible for other acts complained of, to report on the facts, to explain and justify immediately the legal basis for its actions, and submit a written record of all the proceedings carried out.

53. The judge has the power to proceed in person to inspect the administrative premises concerned, to order the administrative authority to bring the prisoner before him, and to interrogate face to face the person concerned. He may also order such collection of evidence as he deems necessary, citing the Attorney-General's Office, the authority under investigation and the initiator of the proceedings.

54. Upon the conclusion of the proceedings, the judge issues a verdict within 24 hours of the completion of the reports and any hearing of evidence. For this purpose all dates and all hours in the day may be declared working time.

55. Should the judge consider that the arrest or other acts complained of are illegal or arbitrary, he will order the release of the arrested person and the cessation of all proceedings against him, and the authority to which this order is directed must comply with it immediately. The judge also has power to determine any criminal or administrative responsibilities that may lie with those who carried out the arbitrary arrest or the torture.

Applicability of amparo

56. Amparo is applicable in response to judicial acts or measures that constitute a threat to or attack upon rights or liberties expressly or implicitly recognized in the Constitution, except in those situations where habeas corpus is applicable. Procedural competence to initiate it lies with any physical or corporate person, public or private, subject to public law or private law. The proceedings are initiated against acts by State or governmental authorities or due to action by individuals.

57. Amparo proceedings may not be brought against adjudiciary acts of any kind, against acts of the Electoral Court, or against any enactments and decrees of the departmental governments that have force of law within their area of jurisdiction, nor when there exist other specific judicial or administrative measures by which the same result could be obtained.

58. Competence to assume jurisdiction in amparo proceedings lies with criminal judges of first instance familiar with the subject relevant to the act, fact or omission complained of or the place where its effects are exerted. When the application for amparo has been filed, the judge issues a summons to a public audience at which he hears the submissions of the parties. The verdict is pronounced during the same audience; in exceptional cases its announcement may be postponed for up to three days. The legislation in force empowers the presiding judge to take measures of a provisional nature for protection of the right or freedom allegedly violated.

59. The verdict setting amparo in motion must contain: express identification of the authority or individual to whom it is addressed and against whose action, conduct or omission amparo is granted; a precise

indication of what must or must not be done and the length of time during which that injunction will be in force; and the time limit for compliance with the order, which may in no case exceed 24 hours.

B. Article 3

60. Uruguay's foreign policy is guided by criteria in harmony with those set out in article 3 of the Convention. Within the area of action of the principal and subsidiary organs of the worldwide and regional system, the Uruguayan State contributes by its vote to the condemnation of every kind of racial segregation.

61. Currently excellent relations exist with the State of South Africa, where there is a permanent Uruguayan mission with the rank of embassy; travel is also undertaken from South Africa to attend meetings in other countries of southern Africa with which diplomatic relations are also maintained.

C. Article 4

62. As noted in the preceding paragraphs, penal sanctions are applicable to any kind of statement condoning acts of racism. To similar effect, and as a gesture of cooperation towards the victims of the Second World War, a special commission consisting of representatives of the Central Bank and Bank of the Eastern Republic of Uruguay has been set up at national level to investigate the existence of Nazi funds in the international financial system. This commission has in particular been instructed by the Government to keep in permanent touch with the Comité Central Israelita del Uruguay so that the Jewish community can be informed of the progress of the investigations initiated.

D. Article 5

63. With regard to the rights proclaimed in article 5 of the Convention, their enjoyment and exercise is guaranteed in the Uruguayan legislative system. Both de jure and de facto there is complete equality of civil and political rights between the various races that live together in the country.

1. Paragraph (a)

64. Article 12 of the national Constitution provides that: "Nobody may be punished or imprisoned without due process and lawful sentence." Article 18 stipulates: "The laws shall determine the procedure and formalities for court trials", while article 23 provides that: "All judges are responsible before the law for the slightest aggression against the rights of individuals and for any deviation from the manner of proceeding which the law establishes."

65. Our judicial system and the country's procedural arrangements, reorganized from 1997, are governed by certain basic principles, namely: due process of law, presumption of innocence, the inadmissibility of double jeopardy, professional defence of the accused from the start of investigations, cost-free proceedings and assignment of counsel for indigent defendants.

66. All persons, irrespective of their economic situation, their race or the offence they have committed, have a guarantee, de jure and de facto, of equal treatment before the country's courts. This equality also obtains in the civil sphere and before special courts (family, juvenile, etc.). Article 11 of the General Code of Procedure states: "Any person has the right to make application to the courts, to raise a specific legal problem or oppose the solution demanded thereto, and to undertake all the procedural acts involved in the defence of one or another judicial position, and the court applied to has the duty to adjudicate on his claims." The final clause of the article provides that: "Every subject at law shall have access to proceedings of reasonable duration for the settlement of his claims."

2. Paragraph (b)

67. Under constitutional law, all the inhabitants of the Republic, without distinction, are entitled to enjoy the protection of the State in the exercise of their right to life, liberty, security, work and property.

68. Further, when the performance of a public service under the responsibility of the State, a departmental government or an autonomous public body causes harm to an individual, the State bears civil responsibility therefor. When the individual has been duly compensated, the State may institute proceedings for recovery of the sum paid against the State agent who caused the damage by serious negligence or malice.

69. As regards the protection afforded by the State against unlawful acts or conduct on the part of groups or individuals, this is put into effect through the penal mechanisms for social control. The Penal Code defines as punishable acts, accordingly sanctioned by severe penalties: criminal association, public incitement to commit offences, advocacy of conduct categorized as criminal, and commission against specific persons of acts motivated by hatred.

3. Paragraph (c)

70. Every Uruguayan citizen partakes of the sovereignty of the nation and as such may vote and stand for election. Suffrage is exercised on the basis of the principles of compulsory enrolment in the civil register, secret and compulsory voting, and full proportional representation.

71. All natural citizens (persons born in any part of the national territory or children of a Uruguayan father or mother) may be called upon to perform public functions. Also eligible therefor are legal citizens (aliens with right of citizenship) after three years have elapsed from the date of issue of their citizenship cards.

72. There are no general statistical data showing the number of persons of each race in the various branches of public employment. However, a number of members of the Jewish community are active both in parliament and in high positions within the executive, there being no kind of discrimination in this regard.

4. Paragraph (d)

(i) The right to freedom of movement and residence within the borders of the State

73. Any person is free to enter the national territory, to reside there and to leave with his possessions, except as provided in the legislation of general application and barring prejudice to third parties.

74. According to the last Population and Housing Census, conducted in 1996, there were 92,378 aliens residing in Uruguay. Analysis of the spatial distribution of those persons by place of residence shows that 60,729 of them were living in Montevideo, the country's capital, and 31,649 in the interior of the country, with a major concentration in the Department of Canelones. Out of the aggregate total number of aliens, 42,242 can be identified as coming from Latin America, 41,270 are Europeans, and 1,797 are from the Middle East.

Population residing in the country who were born abroad, by area of residence and sex, according to place of birth

Place of birth	Total	Males	Females
	92 378	42 703	49 675
America	48 242	21 456	26 786
Argentina	26 256	11 935	14 321
Brazil	13 521	5 586	7 935
Other	8 465	3 935	453
Europe	41 270	19 777	21 493
Spain	21 594	10 177	11 417
Italy	10 193	5 176	5 017
Germany	1 666	792	874
Middle East	1 797	883	914

75. According to the figures obtained through the race module, the distribution by area in the urban parts of the provinces and in the capital shows a high degree of uniformity for all races, as reflected in the above table.

(ii) The right to leave any country, including one's own, and to return to one's own country

76. Since the restoration of democracy in 1985, there has been no impediment to leaving the country or returning to it, apart of course from measures in the judicial sphere restricting or limiting people's freedom of movement as a result of legal action.

(iii) The right to nationality

77. All men and women born in any part of the national territory are Uruguayan (natural citizens). Children born to an Uruguayan father or mother are also Uruguayan, provided they are duly registered. Uruguayan nationality is not lost, even by naturalization in another country, so our legal system subscribes to the permissive theory allowing double nationality (article 81 of the National Constitution).

(iv) The right to marriage and choice of spouse

78. Under the national legislation, civil marriage is mandatory throughout the national territory; not since the last century has the legal validity of religious marriage been recognized as establishing the legality of the conjugal tie. Once civil marriage has been contracted, the parties may request the holding of a religious ceremony according to the rites of whichever church they belong to. On pain of imprisonment, the ministers of the country's religious communities are responsible for verifying that civil matrimony has been entered into as a prerequisite for the religious blessing.

79. The regulations governing civil marriage guarantee free choice for the contracting parties in the celebration of the union.

80. The information filed in preparation for the marriage must confirm that there exist no invalidating (irremovable) bars to the union. Article 91 of the Civil Code states: "The following are absolute bars to matrimony:

1. Failure to meet the Republic's legal minimum age requirements, i.e. 14 years for the male and 12 for the woman;

2. Lack of consent by the contracting parties;

3. An undissolved prior marriage tie;

4. Kinship in the direct line by blood or marriage, whether legitimate or natural;

5. In the transverse line, kinship between legitimate or natural siblings;

6. Homicide, attempted homicide or complicity in homicide committed against the person of one of the spouses, with respect to the survivor;

7. Failure to solemnize the union by religious rites, should this have been stipulated as a binding condition in the contract and if the ceremony is required to be performed on the same day as the registration of the marriage."

81. The planned marriage is publicized through the press together with an invitation to anyone who knows of any impediment thereto to make it known and

state the reason. Verification of this statement takes place before the judicial authorities responsible for family matters, with the mandatory participation of the Attorney-General (Procurator).

(v) The right to own property alone as well as in association with others

82. The right to own property is not subject to any limitation. Article 32 of the Constitution provides: "The right to property is inviolable, but subject to the provisions of such laws as are established for reasons pertaining to the general interest. Nobody may be deprived of his right to own property except in cases of public need or eminent domain determined by a legislative act and subject to prior payment of fair compensation from the National Treasury. Should expropriation be declared for reasons of public need or eminent domain the proprietors shall be indemnified for any damage or loss they incur owing to the protracted nature of the expropriation proceedings, whether or not the expropriation takes effect, including losses resulting from changes in the value of currency."

83. Article 33 safeguards the right to intellectual property by determining that: "Intellectual work, copyright, and inventors' or artists' rights shall be recognized and protected by law."

(vi) The right to inherit

84. Article 48 of the Constitution provides that right of succession is guaranteed within the limits stipulated by law. The direct ascending and descending lines are given preferential treatment in the tax legislation.

85. Admissible grounds for disqualification or disinheritance are confined exclusively, and without any racial, ethnic or other kind of discrimination, to serious misbehaviour against the person of the decedent. 5/

(vii) The right to freedom of thought, conscience and religion

86. As already noted above, not only is there freedom of religion but this freedom is protected by the penal law. There seems to be no problem in this regard in any of the communities contacted by this office. Where the black community is concerned, and in regard to freedom of opinion, the NGO "Mundo Afro" produces a publication directed to all inhabitants belonging to the black race. The Comité Central Israelita has stated that it is satisfied with the situation in Uruguay. It is in connection with this freedom of opinion that it has proposed to the authorities some changes in the primary and secondary school curricula so as to include literary works that seek to promote tolerance.

5. Subparagraph (e)

87. In face of the structural changes that the world economy is undergoing and the resultant impact on the right to work, Uruguay has taken concrete measures aimed at reducing unemployment.

(i) The right to work

Policies to combat unemployment

88. The State has tried to reduce unemployment rates by a battery of measures. These include the creation, by Act No. 16.320 of 17 November 1992, of the National Employment Directorate and the National Employment Board, which operate under the auspices of the Ministry of Labour and Social Security.

89. The functions of the National Employment Directorate are:

(a) To design employment policies;

(b) To advise the executive in the programming and implementation of migration plans for the labour sector;

(c) To programme, implement or coordinate placement plans for specific categories of worker;

(d) To supervise the activities of private placement agencies;

(e) To propose and implement technical and professional guidance programmes, for which purpose it may conclude agreements with public bodies and private agencies, national, foreign and international;

(f) To develop information programmes concerning manpower and trends therein;

(g) To keep a roster of personnel retrained or eligible for retraining under the occupational reorientation system;

(h) To develop programmes of guidance and technical assistance for workers wishing to go over to being small-scale entrepreneurs;

(i) To implement, execute and coordinate studies and projects relating to national, regional, departmental and local plans for social and economic development in regard to the utilization of human resources; and

(j) To update the National Classification of Occupations and coordinate with other occupational certification bodies.

90. For its part, the functions of the National Employment Board are:

(a) To advise the National Employment Directorate in performing the functions assigned to it under the Act;

(b) To design manpower retraining programmes, whether directly or under agreements with public or private bodies, national or foreign;

(c) To study and measure the impact of the introduction of new technologies and of policies of integration in the labour market, and propose appropriate measures;

(d) To provide advice at the request of other public bodies or private agencies, in areas within its competence;

(e) To cooperate and coordinate with the National Employment Directorate in the framing of policies for local development, with specific reference to human resources, coordinating their implementation with municipal governments and non-governmental agencies;

(f) To cooperate in the development of information programmes concerning manpower and trends therein;

(g) To cooperate and coordinate with the National Employment Directorate in the preparation of technical and professional guidance programmes;

(h) To administer the Vocational Retraining Fund;

(i) To study the needs of workers with unemployment insurance cover, determining workers' retraining schedules in accordance with their personal aptitudes and demand on the employment market. It assigns to those purposes, by duly justified and unanimous decision, the resources that it administers, of which it may allocate up to 5 per cent for the expenses of studies and investigations.

91. The National Employment Directorate has a tripartite structure. One of its members is the National Director of Employment, who acts as Chairman, another is designated by the Executive on the proposal of the most representative trade union organization, and a third is designated by the Executive on the proposal of the employers' sector (industry, trade and agriculture).

92. The creation of the Vocational Retraining Fund has supplied the final element in this structure. The purpose of the Fund is to finance the following services:

(a) Teaching activities for vocational retraining delivered through other State bodies or private agencies. The implementation of these programmes is provided for under a contract to be concluded between the National Employment Directorate and the agencies selected by the Board for the actual delivery of the courses;

(b) A special bonus for a worker who retrains, consisting in a benefit additional to that provided for in the unemployment insurance scheme. The bonus, which is established as a percentage of the unemployment benefit, continues to be payable once the insurance has expired should the duration of the retraining so require. These percentages are determined by the National Employment Directorate, taking into account the number of workers to be retrained, the resources of the Fund and other circumstances.

93. The Fund is financed from a contribution of 0.25 per cent of the earnings of workers and employers in the private sector, income from the provision of services commissioned by third parties, income from bequests or

donations, money obtained under loan contracts with national and international organizations, and the proceeds of fines for infringements of the relevant Act.

94. The Fund constitutes a supporting option for the occupational guidance and training of the unskilled unemployed worker, to ensure rapid reintegration into the labour market. As provided in article 222 of the Act, the Fund gives preferential treatment to workers unemployed as a result of the introduction of new technologies or other reconversion processes. The Vocational Retraining Programme is relatively new: its implementation for Montevideo began on 1 December 1993.

95. Out of the total number of workers with unemployment insurance (18,000 in all), 2,000 have been through the Retraining Programme.

96. A worker receiving benefits from the Fund has to comply with certain binding legal obligations. Firstly, he must attend any vocational guidance interviews arranged, on pain of being struck off the roster of beneficiaries. Secondly, he must take part in whatever occupational training activities are programmed.

97. A register will be kept containing a list of all workers who wish to join or have joined the retraining scheme. This register will be consulted by companies wishing to fill any vacancies that occur. Employers who recruit staff from this list will, during the first 90 days of the employment contract, be exempt from payment of the corresponding employers' contributions but must pay an amount equivalent to 50 per cent of the exemption to the Vocational Retraining Fund.

98. After a period of six months, the company may not dismiss an employee recruited on this basis, except on grounds of misconduct.

General Labour Inspectorate

99. In 1977, the provisions of ILO Conventions Nos. 81 and 129 were incorporated into domestic law and subsequently, by Act No. 15,851, the General Labour Inspectorate was established within the public sector. By means of the official inspection procedure or inspections initiated following a complaint, any violations of workers' rights and guarantees are identified.

Employment and race

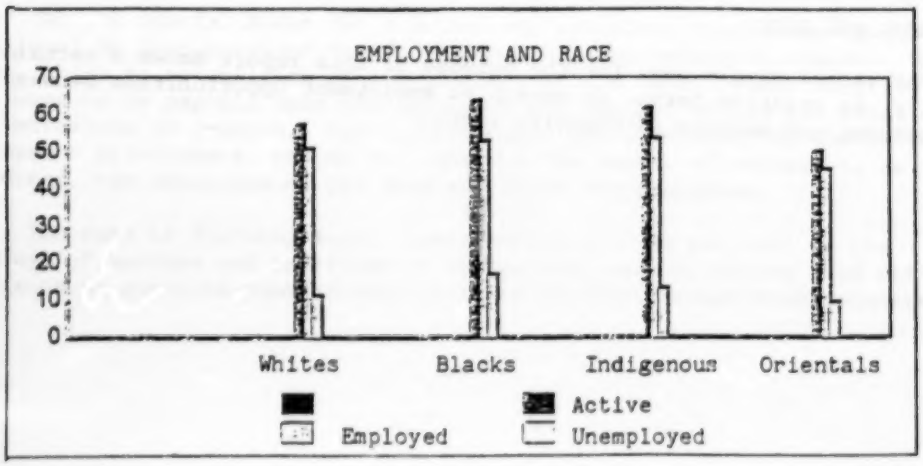
100. The racial sample used for the purpose of this report shows a certain disparity, in relative terms, in access to employment opportunities between white persons and members of minority races.

Rates of activity, employment and unemployment (percentages)			
	All urban areas	Montevideo	Provinces
Activity	57.0+/-0.4	60.9+/-0.4	55.2+/-0.4
Employment	51.2+/-0.4	53.6+/-0.4	48.9+/-0.4
Unemployment	11.8+/-0.2	12.1+/-0.4	11.5+/-0.4

101. The estimated figures for all urban areas are 151,700 unemployed persons out of a total working population of 1,283,800+/-16,400. The total urban population aged 14 or over is 2,212,800+/-24,300.

102. By race and sex, the percentage rates of activity, employment and unemployment for all urban areas in Uruguay are:

Race	Sex	Active	Employed	Unemployed
		Percentage	Percentage	Percentage
All	Total	57	51.2	11.8
	Men	71.7	64.9	9.5
	Women	46.4	39.5	14.9
White	Total	57.7	51.1	11.5
	Men	71.5	64.9	9.2
	Women	46	39.4	14.4
Black	Total	64.3	53.2	17.2
	Men	75.8	65.4	13.7
	Women	53.8	42.2	21.6
Indigenous	Total	62.2	53.8	13.5
	Men	71.4	62.5	12.5
	Women	54.1	46.1	14.8
Oriental	Total	50.6	45.7	9.7
	Men	69	62.9	8.9
	Women	35.9	32	10.9



103. As is apparent from the tables, black and indigenous persons have higher rates of activity (more persons engaged in the production of goods and services within the group aged over 14), higher rates of employment (more employed persons within the same group) and higher rates of unemployment (more persons in search of work within the active group) compared with persons of other races (Whites or Orientals). Generally speaking, the figures for black and indigenous women are generally higher than for women of the other two races.

104. The very low rate of activity for Orientals highlights an indicator known as the "real dependency ratio" (RDR), which is defined as the number of non-active persons, divided by the number of active persons, and which represents the average number of members of his or her household which each active person has to support. Generally speaking, the RDR is of the order of 1.2. In the case of Orientals, however, it is approximately 35 per cent higher than the figure for all races.

Age groups and rates of employment

Age groups and rates (%)	Race			
	Whites	Blacks	Indigenous	Orientals
14-17				
Activity rate	25.2	33.2	35.1	16
Unemployment rate	41.8	43.4	57.8	16.7
18-39				
Activity rate	80.6	82.4	83.2	82.4
Unemployment rate	14.4	19.6	13.9	12.4
40-59				
Activity rate	75.7	77.1	76.3	71.7
Unemployment rate	6	9.1	5.3	6.7
60 or over				
Activity rate	17.2	22.2	18.7	15.4
Unemployment rate	5	8.9	7.3	3.8

105. In all groups, indigenous persons and Blacks have the highest specific activity rates, although Blacks also have the highest unemployment rates.

106. The unemployment rates for the 14-17 age group are due to the fact that they are first-time job-seekers: children under the age of 15 are not allowed to work in Uruguay and many persons in this age group are still enrolled in school. Irrespective of race, about 4.5 per cent of the 14-17 age group are engaged in full-time studies, are not working and are not looking for a job.

107. The highest rates of activity are to be found in the young adult and adult group, where over 90 per cent of men of all races are economically active.

108. In the 18-39 age group, approximately 70-80 per cent of women are economically active, the rate falling to 50-65 per cent in the 40-59 group. On the other hand, the percentage of women in each of these age groups who engage exclusively in housework increases from about 5 to 6 per cent, but the effect is less noticeable among white women.

109. For females under the age of 18, activity rates range from 5 per cent (Whites) to 32 per cent (indigenous), while the unemployment rate is 51 per cent of the economically active population. The percentage of females engaging in full-time studies differs quite substantially from the corresponding percentage for males: 5 per cent as opposed to 3 per cent for white females; 5 per cent as opposed to 4 per cent for black females.

110. Still with the 14-17 age group, the proportion of females seeking work for the first time continues to account for half of the global unemployment rate, except in black women. Among the latter only about 18 per cent of active females are seeking work for the first time and their global unemployment rate is 51 per cent. This means that, in this age group, economically active black females have already had at least one job and have become unemployed before the age of 18.

Number of jobs and hours worked

111. In general terms, 10 per cent of employed persons have more than one job: the average figure for men is 9 per cent and for women 11 per cent. The global percentages do not vary from one race to another. However, the difference by sex is greater among Blacks, where 8 per cent of men and 12 per cent of women state that they have more than one job.

112. The number of hours regularly worked per week is close to 44 for all races. The average number of hours worked by men is around 48 (no difference between races), while the average for women is 38.

113. The longest hours were worked by employers (significant number only for Whites) and own-account workers who had made a capital investment (significant numbers for Whites and Blacks). Both categories worked, on average, more than 50 hours a week.

Occupation, branch of activity and category of occupation of economically active persons

114. The estimated number of economically-active persons (EAPs) who are not first-time job-seekers is 1,169,900 for Whites and 71,500 for Blacks.

115. The three types which characterize work are: occupation, branch of activity and category of occupation.

Distribution of EAPs by race according to occupation

Unemployment rate for certain groups

(Total race - 100. EAP race/group - 100)

Occupation	Total	White		Black	
		Total	Men	Total	Men
Professional and technical	11.1	11.4	7.3	6.5	3.8
Managerial and administrative	3.8	3.9	4.9	2.2	3.1
Office employees	14.2	14.5	11.2	9	7
Businessmen	15	15.2	13.6	12.5	11.3
Agricultural workers	4.8	4.8	7.4	4.8	7.7
Transport workers	4	4.1	7.1	3	5.3
Skilled artisans	15.3	15.2	20.8	23.2	9.6
Labourers	5	5	7.1	5.8	8.2
Unskilled labourers	6.2	6	9.1	9.3	14.7
Armed forces and police	2.7	2.6	4.1	3.5	5.6
Domestic service	7.9	7.5	0	14	
Waiters and cleaners	6.5	6.4	4.9	8.5	6.7
Other services	3.5	3.4	2.4	3.7	3
Actual unemployment rates	9.5	9.2	7.5	14.3	11.4
Office employees	9.3	8.9	7.7	17.8	12.4
Businessmen	9.8	9.7	6.1	12.1	8.9
Skilled artisans	10.6	10.3	8.8	14.9	12
Labourers	10.9	10.5	9.2	16.2	11.4
Unskilled labourers	14.1	13.5	12.6	20.4	19
Domestic service	17	16.8		20	
Waiters and cleaners	11.8	11.6	10	13.7	13.6
Other services	9.6	9.4	6.5	11.5	6.7

Unemployment rate for specific groups

(Total race - 100. EAP race/group - 100)

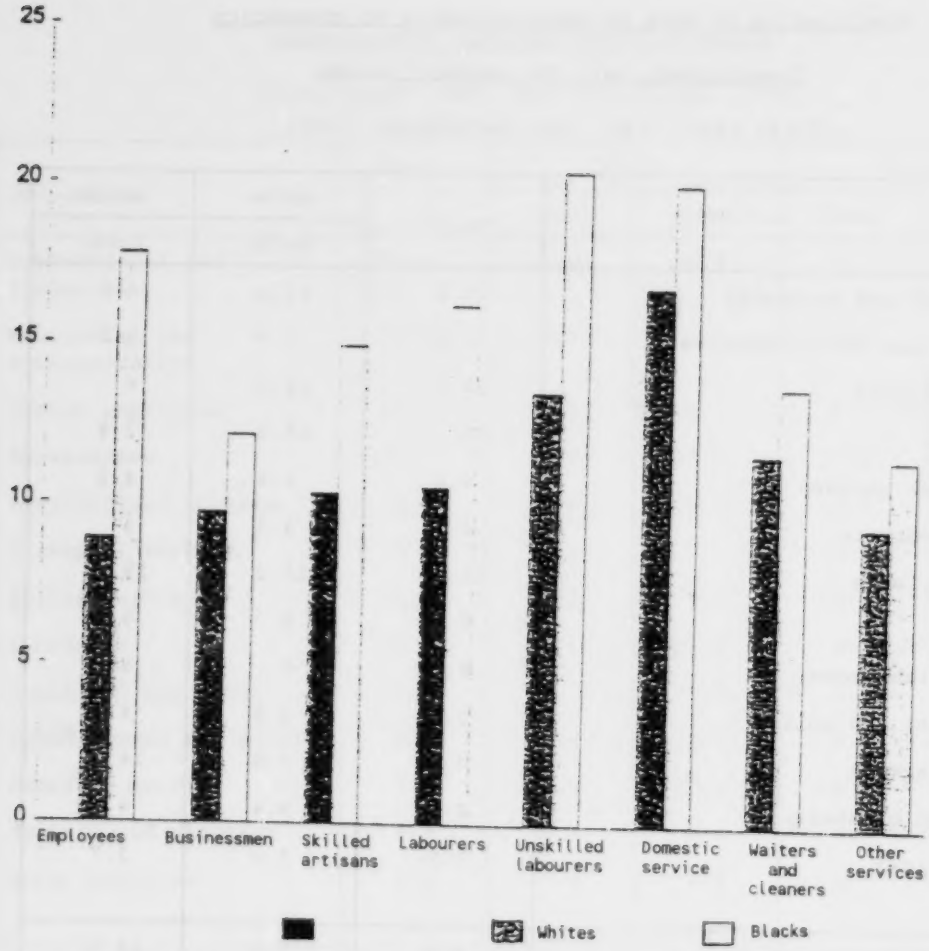
Occupation	Total	White		Black	
		Total	Women	Total	Women
Professional and technical	11.1	11.4	16.8	6.5	10.1
Managerial and administrative	3.8	3.9	2.7	2.2	
Office employees	14.2	14.5	19	9	11.6
Businessmen	15	15.2	17.3	12.5	14.1
Agricultural workers	4.8	4.8	1.3	4.8	
Transport workers	4	4.1		3	
Skilled artisans	15.3	15.2	7.7	23.2	
Labourers	5	5	2.2	5.8	
Unskilled labourers	6.2	6	1.8	9.3	
Armed forces and police	2.7	2.6	0.7	3.5	
Domestic service	7.9	7.5	17.3	14	31.5
Waiters and cleaners	6.5	6.4	8.3	8.5	10.9
Other services	3.5	3.4	4.8	3.7	4.5
Actual unemployment rates	9.5	9.2	11.5	14.3	18.1
Office employees	9.3	8.9	9.9	17.8	22.1
Businessmen	9.8	9.7	13.5	12.1	15.4
Skilled artisans	10.6	10.3	15.8	14.9	24.1
Labourers	10.9	10.5	16.5	16.2	
Unskilled labourers	14.1	13.5	19.9	20.4	
Domestic service	17	16.8	16.7	20	20.5
Waiters and cleaners	11.8	11.6	12.9	13.7	13.8
Other services	9.6	9.4	11.3	11.5	15.8

Distribution of EAPs by race according to occupation

Unemployment rate for certain groups

(Total race - 100. EAP race/group - 100)

Occupation	Total	White	Black
		Total	Total
Professional and technical	11.1	11.4	6.5
Managerial and administrative	3.8	3.9	2.2
Office employees	14.2	14.5	9
Businessmen	15	15.2	12.5
Agricultural workers	4.8	4.8	4.8
Transport workers	4	4.1	3
Skilled artisans	15.3	15.2	23.2
Labourers	5	5	5.8
Unskilled labourers	6.2	6	9.3
Armed forces and police	2.7	2.6	3.5
Domestic service	7.9	7.5	14
Waiters and cleaners	6.5	6.4	8.5
Other services	3.5	3.4	3.7
Actual unemployment rates	9.5	9.2	14.3
Office employees	9.3	8.9	17.8
Businessmen	9.8	9.7	12.1
Skilled artisans	10.6	10.3	14.9
Labourers	10.9	10.5	16.2
Unskilled labourers	14.1	13.5	20.4
Domestic service	17	16.8	20
Waiters and cleaners	11.8	11.6	13.7


25
20
15
10
5
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Employees
Businessmen
Skilled artisans
Labourers
Unskilled labourers
Domestic service
Waiters and cleaners
Other services
Whites
Blacks

116. Several conclusions may be drawn from the above charts. The occupations predominantly engaged in by Blacks are those which require skilled or unskilled manual workers. This predominance is apparent among personal service workers. Among these, domestic service and cleaning are notable for having more female employees than any other occupation. More than 40 per cent of economically-active women who stated that they were black work in domestic service. This accounts for the number of jobs declared by black women, given the multiple-employer feature characteristic of this occupation. On the other hand, unskilled workers usually have a single employer.

117. In all these major groups, actual unemployment rates for economically-active black persons are above average. Unemployment rates for women are also much higher than the overall average and the average for their race, in the two races shown.

118. The charts below show levels of unemployment in a number of branches of activity. A branch of activity characterizes the sectors of the economy in which people work. From these charts it is apparent that economically-active black persons are more numerous in the construction and services branch. In the statistical sense, they are no different from Whites in the other branches of activity, give or take a few percentage points.

119. Over 50 per cent of white women and over 60 per cent of black women work in the services sector.

Distribution of EAPs by race
(Total race = 100)
Unemployment rates for some sectors
(EAP race/sector = 100)

Branch of activity	Total	White	Black
Agriculture and mining	4.6	4.6	4.7
Manufacturing industry	17.4	17.3	18.2
Electricity, gas, water	1.2	1.2	0
Construction	7.1	6.9	10.6
Business	20.6	20.7	17.7
Transport and communication	5.8	5.9	4.3
Banking and finance	6	6.2	3.2
Personal and public services	37.2	37	40.3
Actual unemployment rates			
Manufacturing industry	9.5	9.2	14.3
Construction	12.3	12	18.6
Business	10.9	10.7	14.7
Personal services	7.9	7.6	12.5

120. The table below shows unemployment rates for certain categories. The category of occupation indicates whether the person concerned works or worked as an employee or as a self-employed person.

Distribution of EAPs by race according to category
(Total race = 100)
Unemployment rates for certain categories
(EAP race/category = 100)

Category of occupation	Total	White	Black
Private workers and employees	57	56.5	65.6
Public workers and employees	16.7	16.9	14.2
Employer with staff	3.9	4.1	0
Own-account worker, no investment	6.6	6.5	7.9
Own-account worker, with investment	13.6	13.9	8.7
Unremunerated family worker	1.7	1.7	2.1
Actual unemployment rates			
Private workers and employees	14.3	14	18.6
Public workers and employees	2.8	2.7	6.1
Own-account worker, no investment	6.1	5.9	9.3
Own-account worker, with investment	2.4	2.4	3.8
Actual rate	9.5	9.2	14.3

121. It thus emerges from the statistics that the absolute majority of active persons are private workers or employees. There are proportionally more black than white active persons in this category, and in the own-account workers (no investment) category. The specific unemployment rates for active black persons concern more women than men, and this is also the case with black women as opposed to white women, who have a rate of approximately 23 per cent in the private workers or employees category.

Earnings

122. The most important variable which characterizes socio-economic "status" is income, which effectively describes relative poverty/wealth characteristics, and also conditions of inequality, when they are identifiable.

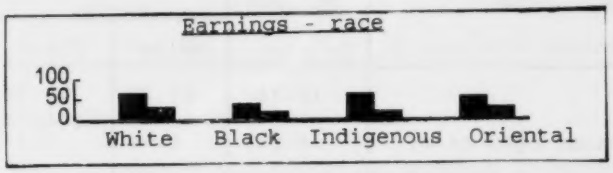
123. It is important to bear in mind the fact that the direct declarations of interviewees produce under-estimates for some sources of income, especially incomes which are not earned monthly or are received in the form of pensions.

124. Income is measured in the base currency - the Readjustable Unit (UR). 6/

Earnings of recipients

Sex	Total average earnings			
	Race of recipients			
	White	Black	Indigenous	Oriental
Total	49.46	30.05	40.62	42.89
Men	65.93	39.2	63.22	56.12
Women	32.15	19.39	19.91	29.97

125. It is apparent from the data that men's earnings are greater than women's. They have been estimated at more than double for white and black persons, three times more in the case of indigenous persons and slightly over 90 per cent more for Orientals.



Total earnings by age group

Earnings and age group			
Age group	Total UR	Race	
		White	Black
Young persons aged 14-17	9.85	10.1	7.5
Persons aged 18-29	28.19	28.82	20.54
Persons aged 30-49	67.51	68.78	42.56
Persons aged 50-59	69.64	71.24	39.04
Persons aged 60 or over	33.81	34.39	20.8
Total	49.06	49.46	30.05

126. The percentage variation between the earnings of white and black persons is of the order of 82 per cent for older persons, but approximately 62 per cent for persons between the ages of 30 and 49 and only 40 per cent for young adults. This means that, although inequalities persist, they are less significant in the younger generations. Average earnings in Montevideo were approximately 74 UR, while in provincial towns they were 24.4 UR.

127. Recipients are defined as not only persons in receipt of remuneration against work but also, inter alia, retired persons and pensioners. Generally speaking, the income of the latter is less than the income of economically-active persons. By way of example, the average income of pensioners is approximately 20 UR while retired persons receive slightly over 25 UR. Comparing these amounts with the averages for white and black people, white pensioners receive 20 UR and black pensioners receive slightly over 14 UR. White retired persons average 26 UR and black retired persons 21 UR, or about 24 per cent less. This is accounted for by the amount of pension actually generated: persons who earn and contribute less generate lower pensions.

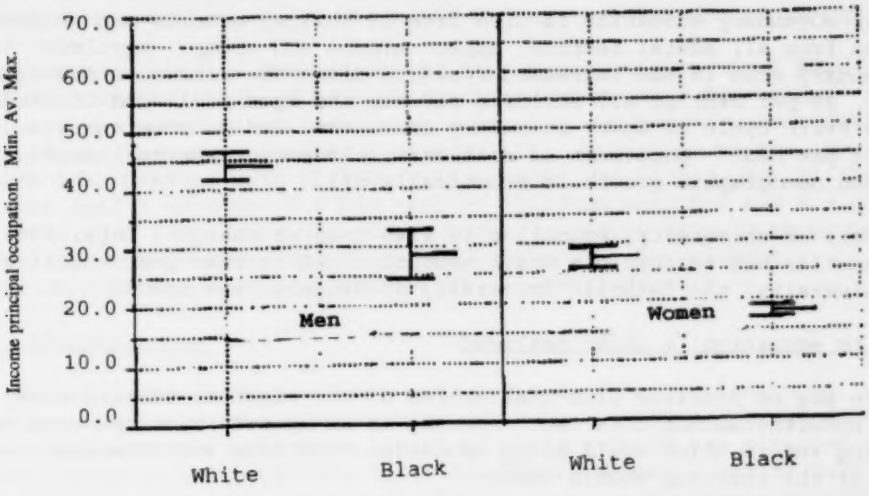
Income from principal occupation

128. The same level of disparity between races and the lessening of this effect in the younger generations are noted when account is taken only of income produced by the principal occupation.

Age group	Total UR	Race	
		White	Black
	36.74	37.27	24.32
Young persons aged 14-17	8.51	8.61	7.6
Persons aged 18-29	22.34	22.58	19.29
Persons aged 30-49	42.53	43.24	30.41
Persons aged 50-60	45.11	46.18	24.91
Persons aged 60 or over	39.11	40.09	21.3

129. The overall level of income from the principal occupation of white persons is approximately 85 per cent higher than that of white persons in the 50-60 age group, but falls to about 42 per cent in the 30-49 group and even lower for young adults (17 per cent). This reduction in the inequality in remuneration between races may be accounted for by the fact that the occupations held by younger people more closely resemble each other, either because they work at a lower level or because they lack working experience. Unfortunately, this assumption cannot be soundly evaluated because of the insufficient volume of representative data for each of the races.

Average income from principal occupation
Conf. Interv. 95 per cent by sex and race of the employed person



(ii) The right to education

130. For more than a century the education process in Uruguay has been based on a broad set of values. The democratization of enrolment with the related phenomenon of the extension of access to education to all sectors of society, the secular character of education which encourages undogmatic and critical attitudes in students, academic freedom and autonomy are the fundamental principles underlying education in Uruguay and are in fact protected by the Constitution.

131. The Constitution in force since 1967 recognizes education as one of the priority human rights and this is reflected in the establishment of academic freedom, which comprises the right to teach, the right to learn, and the right to found and organize educational institutions.

132. The compulsory and free character of primary, secondary, agricultural, industrial and higher education is the pillar on which the country's whole education system is based.

Uruguayan education is completely free

133. State primary education is free of charge and compulsory. The compulsory module comprises six years of primary schooling and three years of lower-secondary schooling. Of all children entering the education system in Uruguay, approximately 74 per cent attend State schools and the remainder opt for private education. The official figures indicate that approximately 98.9 per cent of all children aged 11 have completed the last year of primary schooling.

134. According to UNESCO data, in 1986 Uruguay had a school enrolment rate of 92 per cent, the fifth highest in the continent.

135. Lower-secondary education is also free of charge; schools are attended by children from all social sectors, upper, middle and lower. Enrolment in lower secondary schools has increased steadily since the return to democracy. At present, 90 per cent of all children between the ages of 13 and 15 attend the single basic cycle of lower-secondary education, and so coverage is nearing 100 per cent. Enrolment is stationary since coverage is almost complete and demographic growth is practically nil.

136. Higher, or university, education is also free of charge. Until 1986, higher education was an absolute State monopoly, but in that year the first private university, the Catholic University of Uruguay, was opened.

The right to education, a right realized

137. There are no problems with realization of the right to education in Uruguay. Notwithstanding this fact, society is in agreement on the need for far-reaching reform which would bring education into line with the new realities of the changing modern world.

138. The National Department of Public Education is confronted with problems relating to institutional organization and the structuring of planning units. The lack of coordination between the planning phase and the decision-making phase, and between the channels of communication and the units executing education programmes means that there is a need for operational reform. One of the difficulties currently being analysed in the field of education is the role of technology in the education of children and young people, as a means of narrowing the gap between Uruguay and the most developed countries while at the same time maintaining the competitiveness levels of our skilled human resources.

Public expenditure and education

139. The share of public expenditure on pre-primary, primary and lower-secondary education and teacher training within the gross domestic product has fluctuated widely over the past 30 years. Since the return to democracy to the present day, the average figure has been close to 2 per cent. In relation to the national budget, education accounts, in 1991 values, for a figure equivalent to 11.6 per cent of total expenditure.

Description of the primary education services network

140. The services provided by the Uruguayan primary education system comprise a network covering the whole country. These services include ordinary, special and adult education. Although the first year of primary school has been established as the initial compulsory grade, most children aged five (86.6 per cent) have already attended nursery classes, which constitute preparation for the primary cycle.

141. There are a total of 2,352 schools in Uruguay, 2,105 in the public sector and 247 private schools. There are 1,339 State schools in rural areas: of these 1,241 are ordinary schools and 98 farm schools. There are 679 schools in urban areas, of which 520 are situated in the provinces.

142. Rural education is the responsibility of the Department of Education for Rural Areas, which is subordinate to the Board of Primary Education. Special education is provided to children with a physical or psychological difficulty which prevents them from leading a normal life. According to the 1991 Survey of Households, persons with difficulties account for 18 per cent of the population aged 3 or over, 6.9 per cent of children aged 3-5 and 8.3 per cent of children aged 6-11. In 1991, there were 77 special schools throughout the country - 28 in Montevideo and 49 in the provinces. Approximately 81.8 per cent of these schools specialize in mental disability.

School infrastructure

143. There are 650 primary schools with a total of 5,626 classrooms, which represents an average of 8.7 classrooms per school with an average size of 41.6 square metres per classroom. Most of these schools are situated in non-urban areas in the provinces (43.4 per cent), almost twice as many as in Montevideo (23.0 per cent), the remaining 33.5 per cent being situated in the departmental capitals.

Realization of the right to higher education, by sex

144. There is almost absolute equality between the figures for girls' and boys' enrolment in primary schools. At the university level, it is noteworthy that women enrolled in the University of the Republic outnumber men by almost 10,000.

Specific difficulties

145. The main problems in the area of education lie not in coverage but in the functioning of the system, as an element capable of resolving social inequalities and promoting social mobility. The availability of schooling is high, unenrolled children aged 6-11 accounting for only about 3.5 per cent of all children in that age group.

146. However, the problems of repetition, non-attendance and over-age pupils arise in schools situated in areas with larger numbers of homes with unsatisfied basic needs in Montevideo and the provincial cities. In schools in rural areas the negative rates are lower, and this appears to be associated with the schools' links with the community. The State has tried to reformulate the school model in order to establish the possibility of compensation, albeit avoiding the risk of discrimination by creating "schools for the poor". "Full-time" education has been introduced in 12 schools, where pupils have their meals. These schools are situated in areas with large numbers of homes with unsatisfied basic needs. The full-time school represents an educational alternative which creates a closer relationship between the school and the social environment of which it forms part, with an educational approach aiming at the comprehensive development of the child and the participation of his family in the learning process.

Supervision of the private educational sector

147. In the context of freedom of education, the private educational sector is regulated by the National Board of Education. The National Private Education Inspectorate controls and supervises the development of these services in accordance with the normal educational standards relating to health, hygiene and curricula.

148. There are 247 private schools in the country, with an average enrolment of 222 pupils per school. Comparison of the number of schools with the socio-economic level of the area in question shows that most private schools are situated in places where basic needs are met. In the capital, Montevideo, private schools account for 36 per cent of all schools, while in the provinces they account for 6.2 per cent. In the private sector, there are religious schools (Catholic, Jewish, Baptist) and also secular schools; in both types of school teachers must have the necessary teaching qualifications.

Compulsory and free education

149. As indicated in a preceding section, the right to education is fully realized in Uruguay.

Illiteracy

150. According to the 1985 census, the illiteracy rate in Uruguay is 4.3 per cent. Breakdowns by age group show that illiteracy is more common among older people and is tending to disappear in the younger generations. More detailed studies have shown that most of the people concerned are functional illiterates (who have lost the ability to read and write through lack of use or never properly learned to read and write).

151. The educational incentive policy is designed to assist the more disadvantaged sectors through programmes such as that run by the municipal authorities in Montevideo.

152. School bus services for pupils in State primary and secondary schools are free of charge.

153. Attention should be drawn to the following government measures:

(a) Agreements with the Ministry of Transport and Public Works on the refurbishment of schools;

(b) Increase of about 25 per cent in the salaries of teachers in schools with special needs.

Education for persons of black race

154. Among the criteria for assessing the opportunities enjoyed by certain population sectors, education is the most widely used as an indicator of the extent to which these opportunities are met.

Level of education achieved

155. A much higher percentage of black persons than members of the population as a whole declared that they had completed only lower levels of education. The majority of black pupils only finished primary school and, of those who went on to secondary school, a substantial proportion pursued technical studies. In addition, they spent fewer years studying on average.

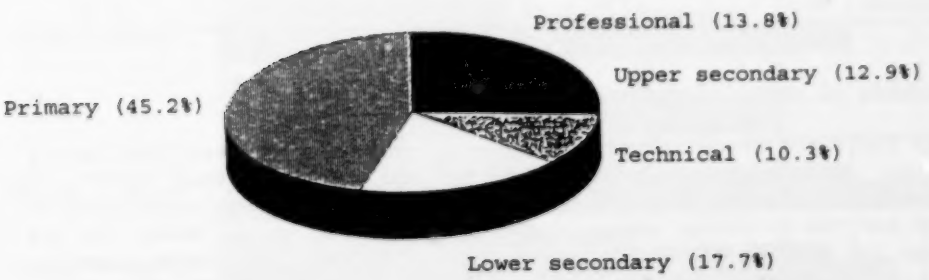
Whites

Professional	13.80%
Upper secondary	12.90%
Technical	10.30%
Lower secondary	17.70%
Primary	45.20%

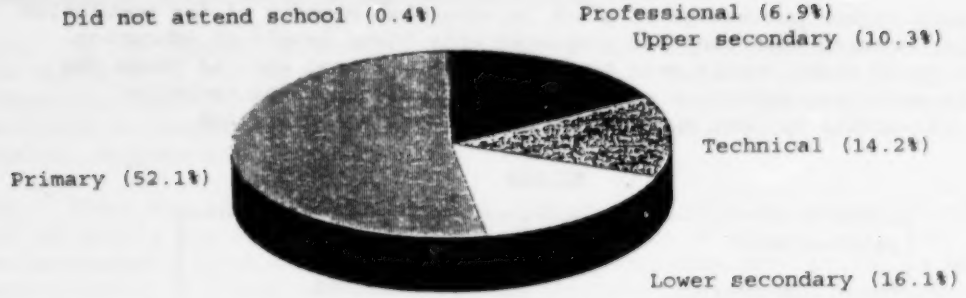
Blacks

Professional	6.9%
Upper secondary	10.30%
Technical	14.20%
Lower secondary	16.10%
Primary	52.10%

Education - White students



Education - Black students



156. Another indicator taken into account was completion of the educational level reached. In this connection, there are higher drop-out rates for black students at practically all levels of education. But once one of the higher levels of education is reached, the percentage is no different from the total (and in particular the total for white students). This effect may be accounted for in part by attitudes to job-seeking.

Percentage of persons aged 25-49 who did not complete the level reached (Race, level = 100)

Level reached	Total	Race	
		White	Black
Primary	25.4	24.9	31.1
Lower secondary	51.8	51	65.8
Technical	46.4	45.9	53.7
Upper secondary	44.3	44	53
Prof. Univers. Mil.	46.7	46.7	47.2

Average number of years of study

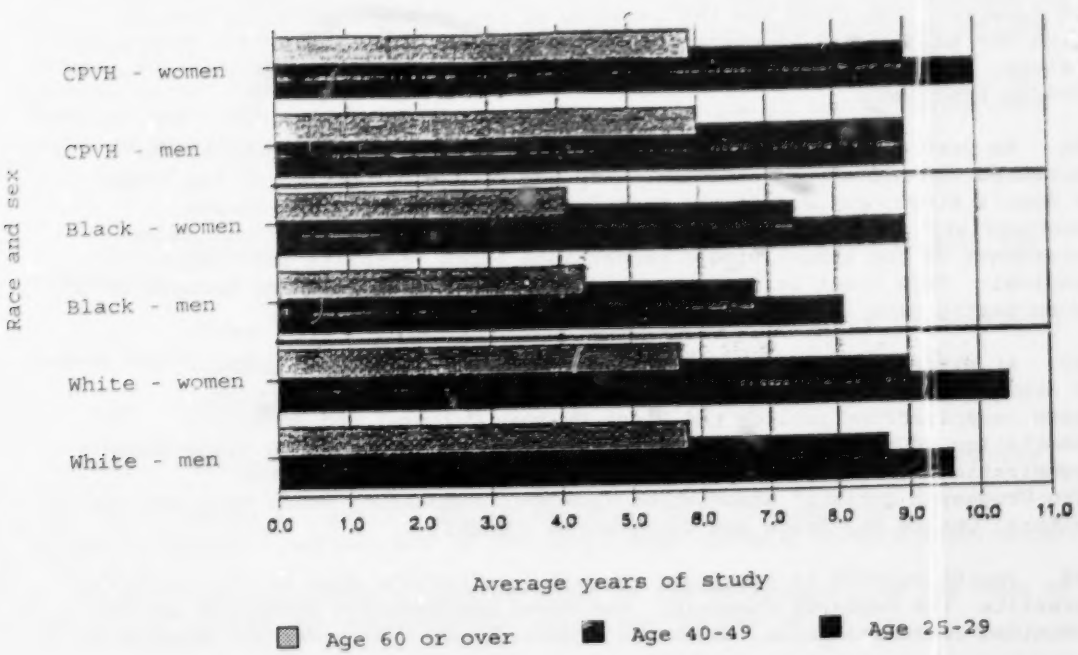
157. This indicator shows relative success in completing the various levels of education. On the basis of the "Population and housing census" (CPVH), the average period of study by members of the urban population was calculated at nine years for the 25-29 age group, eight for the 30-39 group, seven for the 40-49 group and six for the 60 or over group. When data are broken down by sex, the average figures are more favourable for women, who have generally studied for at least one more year than men, except in the over-60 group.

158. The Continuing Survey of Households and its race module have made it possible to estimate average years of study by persons aged 20 or over, and

although the survey was not of sufficient duration to be able to undertake longitudinal studies, the analysis of the major age groups serves as a substitute.

Age group	CPVH	Race			
		White	Black	Indigenous	Oriental
25-29	9	10	8.6	9.7	11.4
30-39	9	9.5	8.2	9.4	9
40-49	8	8.9	7.1	7.2	7.8
50-59	7	7.6	6	6.7	7.4
60 or over	6	5.8	4.2	4.8	5.3

159. Although for older persons of black race the length of study is a year and a half less than the census value, the difference declines to less than half a year in the young adult group. This means that, although there is still a deficiency in education for black persons, it is declining in the younger generations.



160. The tendency for younger women to continue their studies for a longer period is visible in both Blacks and Whites.

Education programmes which include the teaching of tolerance and the cultural identity of other races

161. In 1997, as part of the special extra-curricular programmes conducted by the Uruguayan public education authorities, two projects entitled "Revaluing Afro culture in the educational sector" and "Afro-American vision" were initiated. The first project is aimed at all school-age children and the second is intended for teenagers. Obviously, the benefits of this education accrue to all races without distinction. The projects are holistic in design and present in a new light Afro-American history, the slave traffic to the Southern Cone, the incorporation of Blacks in the independence movement and the cultural contribution of Blacks to the history of Uruguay.

(iii) Right to culture

162. Since the restoration of democracy in 1985, the subject of black culture in Uruguay has been given new prominence. Thus, for example, the book by Beatriz Santos, the Afro-Uruguayan writer, was recently presented in Parliament as part of the preparations for the Ninth Conference of Presidents of Democratic Parliaments. The ceremony was attended by the senior members of the Government, including the President of the General Assembly and Vice-President of the Republic, Mr. Hugo Batalla. Her book constitutes a compilation of the African cultural heritage in the Americas, with particular reference to Uruguay.

163. Black culture has made a significant contribution to Uruguayan sculpture and theatre. The 1930s saw the founding of the independent black theatre, which was multiracial in character. This movement encouraged Afro-Uruguayan culture, promoting the reclamation and restoration of the authentic values of African traditions.

164. As part of this activity the theatre organized performances which recounted the history of candombe, with the ritual coronation of the Congo or Angola Kings, reflecting the pictures of Pedro Figari, the famous "costumbrista" painter (depicting local customs). This is the most recent forerunner of the annual street processions which celebrate this Negro festival. This event is deeply rooted in Uruguayan society and members of all races participate in it.

165. At present, the black cultural movement is headed by a number of organizations that pursue the same goals of cultural redemption. These organizations include the Black Uruguay Cultural and Social Association (ACSUN), the Cerro Largo Candombe School, the Melo Black Women's Organization, the Black Professionals' Organization (SECAU), the Afro-Uruguayan Artists' Association (ADACAU), Fundaafro, Mundo Afro and the Cultural Centre for Peace and Integration (CECUPI).

166. Jewish culture is developed through institutions such as the Comunidad Israelita, the Sephardi Community, the Nveva Congregacion Israelita and the Comunidad Israelita Unica, which are organizations that cover all aspects of

Jewish life in Uruguay and engage in social, cultural, sporting and other activities. These and other institutions are incorporated within a second-level institution, the Comité Central Israelita. The Jewish community has also made a significant contribution in various areas of Uruguayan culture. One of the most outstanding examples is provided by the sculptor Gurvitch. It should be noted, however, that the contribution by the Jewish community is more integrated and more difficult to identify than that of the black community, for example. Reverting to the case cited by way of example, the activities and paintings of Gurvitch fall within what is known as the Torres García school, which is headed by Joaquín Torres García and mainly engages in constructivism. Although his work comprises and reflects a particular identity, it falls within the main trend in Uruguayan sculpture. This is characterized by differences from the cultural manifestations of the black community which, although they have achieved enormous popularity and have in many cases developed into national characteristics, as in the case of candombe, started and were based on parameters related to aspects of the black community.

6. Paragraph (f)

167. Municipal regulations impose no limitations of any kind on the access of persons of any race to public or private places of recreation.

168. The limitations established by the owners of businesses and reflected in the words "admittance restricted" may not be regarded as unlawful provided they are the result of compliance with the laws in force. However, there are duties incumbent on the owners of such establishments, such as the obligation not to admit minors or persons who are drunk or disorderly.

169. The black non-governmental organizations have denounced the existence of public places of entertainment or clubs which have on rare occasions refused persons admittance on grounds of race. In such cases there are legal procedures and judicial remedies such as amparo which enable legality to be restored and compensation to be obtained for violation of the constitutional right to equality.

Notes

1/ Technical term used with reference to the collation of data for comparison.

2/ Annex 1: Judicial decisions based on provisions of international humnan rights law.

3/ Annex 2.

4/ Annex 3: articles 360 to 366 of the Code of Criminal Procedure.

5/ Annex 4: Article 842 of the Civil Code (Grounds for disqualification); Article 900 of the Civil Code (Grounds for disinheritance).

6/ The Readjustable Unit is fixed by the Government. At the time of the sample, the UR was approximately equivalent to US$ 18.

List of annexes

Annex I — Judicial decisions based on provisions of international human rights law

Annex II — Publication of the NGO "Mundo Afro"

Annex III — Articles 360-366 of the Code of Criminal Procedure

Annex IV — Article 842 of the Civil Code (Grounds for disqualification)

Article 900 of the Civil Code (Grounds for disinheritance)